

County of Loudoun
Department of Planning
MEMORANDUM

DATE: October 15, 2010
TO: Loudoun County Planning Commission
FROM: Jane McCarter, Project Manager Land Use Review
**SUBJECT: October 20, 2010 Planning Commission Worksession:
ZMAP 2005-0019; Belmont Estates**

BACKGROUND:

The Planning Commission held a Public Hearing on the Belmont Estates application on November 29, 2009; the Commission voted 7-1-1 (Chaloux opposed; Ruedisueli absent) to forward the application to worksession for further discussion.

The Planning Commission previously met in worksession regarding this application on December 10, 2009. At that worksession the Commission considered connection of Stubble Road and Deerview Drive; the applicant's requested lot access and modifications to height and lot variation; the magnitude of zoning modifications requested to address Village Conservation Overlay District constraints; insufficient regional road and transit contribution levels; stormwater management impacts upon buildable lots; water quality treatment prior to incorporation into existing onsite ponds; green design commitments; and capital facilities contribution to meet school impacts. Many of the issues have been satisfactorily addressed and the remaining were forwarded to a subsequent worksession by a vote of 7-1-1 (Chaloux opposed; Brodrick absent).

Staff has met with the Applicant on numerous occasions since the December 10, 2009 worksession and discussion of the remaining outstanding issues are provided below. The Planning Commission Staff Report (PC Staff Report 11/19/09); Planning Commission Action Summary (Planning Commission Action Summaries 091210); and Planning Commission Worksession Memo (PCWS 121009) for this case may all be found electronically on LOLA and LMIS and Planning Commission Action Summaries.

At the Planning Commission Public Hearing the Belmont Estates proposal sought approval for 72 units comprised of 20 SFD, 50 SFA and 2 existing dwelling units for an overall density of 3.50 dwelling units per acre on the 20.59 acre site. The SFD units are principally located within the Village Conservation Overlay District (VCOD) and the proposed design did not address the VCOD design guidelines, but were dependent upon the approval of a number of modifications that would provide for a more conventionally suburban community design.

The proposal subsequent to the Planning Commission Public Hearing included a reduction to 70 units comprised of 21 SFD, 48 SFA, and 1 existing dwelling for an overall density of 3.40 dwelling units per acre. In addition the design of Landbay 1 SFD lots has been revised to address the VCOD concerns and modification requests, as well as transportation concerns. The layout of Landbay 2 SFA lots had been revised to address traffic circulation at the portion of the SFA units adjacent to the W&OD Trail and most distant from the roundabout access.

The Planning Commission met in worksession regarding this application on September 8, 2010. At that worksession the Commission considered connection of Stubble Road and Deerview Drive; paving of Stubble Road; the Applicant's requested lot access and modifications to lot variation; the zoning modifications to setbacks of garages from the front façade of the house, lot variation of less than 500 square feet, perimeter buffer width reductions, and lot access issues requested to address Village Conservation Overlay District constraints; and insufficient regional road, transit and traffic signal contribution levels. A number of the issues have been satisfactorily addressed and the remaining were forwarded to a subsequent worksession by a vote of 9-0.

The Applicant has submitted a revised plat dated September 16, 2010 and notes in the accompanying letter the changes to the proposal have resulted in a reduction to the previously requested modifications. The proposal subsequent to the Planning Commission worksession of September 8, 2010 includes an increase from 70 to 71 units comprised of 21 SFD, 49 SFA, and 1 existing dwelling for an overall density of 3.45 dwelling units per acre. Changes to the plat include the required 50' perimeter buffer to the west between the townhouse portion and the adjacent property to the west. The plat shows the buffer yard to the north between the SFD units proposed and the existing SFA units within the adjacent community has been revised from Type 2 to Type 3 buffer plantings. This would provide 1 additional canopy tree and 2 additional evergreens for every 100 lineal feet of the buffer yard. The buffer yard width is proposed to remain as reduced from 50' to 25' per the modification requested. The Applicant has proposed a note to the plat identifying the driveway location for Lot 1 to be westernmost on the parcel and a sight distance easement to be provided at site plan if requested by VDOT to address a concern regarding safe access to Lot 1.

ISSUE STATUS:

The following issues were identified by staff as outstanding. A current status of each is included in bold type face.

1. Modification to Setback – Village Conservation Overlay District

Comment: The Applicant is seeking a modification request to reduce the garage setback from the front line of the principal building from 20 feet to 6 feet within the Village Conservation Overlay District (ZO §4-2104(B)(2)(a)).

ZO §4-2104(B)(5)	To reduce the minimum 20 foot setback for front-loaded garages measured from the front line of the principal building to 6 feet on Lots 1 through 21. <i>VCOD supports house preeminence over garage presence with this criterion.</i>
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Revision: The Applicant has redesigned Lots 1-21 to provide a reduced setback from the front line of the principal building from 20 feet to 6 feet.

Issue Status: Unresolved. The modification request is not justified by an innovative design, improving upon the existing regulations or otherwise exceeding the public purpose. While the Applicant's redesign provides a minimal garage setback, it clarifies the issue with Landbay 1 and the Village Conservation Overlay District. The proposed design seeks too many lots within this Landbay to meet the VCOD criteria to ensure the continued reinforcement of the pattern, character, and visual identity of the Village of Ashburn. While the proposal is improved over the former versions, the modification request is not justified by an innovative design, improving upon the existing regulations or otherwise exceeding the public purpose as the proposed design for the lots would provide for facades that

would be virtually indistinguishable from surrounding suburban single family detached units and dissimilar to the village design supported by the VCOD.

2. Modifications to Size, Access, and Perimeter Buffers

Comment: The Applicant seeks a reduction in the minimum PD-H4 district size, to allow a private road to serve the existing single family detached lot and, and to reduce the perimeter buffer widths. The proposal would add 49 residential units above those approved with the by-right subdivision. To achieve this increase in units the remaining modifications were requested:

ZO §4-102	To reduce the minimum size of a PD-H4 district from 25 acres to 20 acres.
ZO §3-511(A) ZO §4-110(B)	To permit roads serving single family detached dwelling units to be designed and constructed to private street standards. <i>Applies solely to the existing home built on Lot 22 accessed from Graves Lane.</i>
ZO §4-109(C)(2) ZO §3-509(C)	To reduce the minimum required perimeter open space buffer width from 50 feet to 25 feet along the eastern and northern boundaries, 20 feet along certain portions of the southern boundary of the property, and from 50 feet to 0 feet along public roadways.

Revision: The zoning modifications requested are not justified by an innovative design, improving upon the existing regulations or otherwise exceeding the public purpose but appear to serve solely to increase the number of units within this land area. While Staff can support the reduction in district size and the private road access to the existing single family detached unit as meeting the intent of the modification criteria, the decrease in perimeter buffers is a significant concern.

The magnitude of the requested reductions to the perimeter buffer highlights the overall issue with this design of too many lots within the available area. While Staff acknowledges the constraints of 43% open space to accommodate the floodplain and pond areas central to the site, the resultant shift of the lots and roads into the perimeter buffers essentially requires the adjacent properties to mitigate this development impact. The Planning Commission expressed concern regarding the buffer reduction request and the Applicant has proffered an additional 1 canopy and 2 evergreen trees per 100 lineal feet within the perimeter buffer behind Lots 12-16 within the reduced 25' buffer yard.

Issue Status: Unresolved. Staff recommends support of the existing perimeter buffer requirements and does not support the buffer reduction as providing an innovative design, improving upon the existing regulations or otherwise exceeding the public purpose.

3. Traffic Signal Funding

Comment: Staff review identified a recommended cash in lieu funding amount of \$275,000 for a traffic signal at the Gloucester Parkway/Deerview Drive/Laurel Ridge Drive intersection. This amount reflects current traffic signal costs.

Revision: The Applicant has proffered a portion, \$200,000, for this traffic signal or other transportation improvements in the Broad Run District. Staff acknowledges the proffered traffic signal funding would be available for any transportation improvements anywhere within the Broad Run District.

Issue Status: Resolved. The traffic signal funding is not adequate to install a signal today and would not be adequate in the future. However, as the proffer provides for any transportation improvements in the Broad Run District Staff is satisfied the impact of this proposal has been mitigated and the issue is resolved.

Proffer Review

The Applicant has worked with staff to address concerns regarding the proffer statement; the most recent version of the proffers, dated September 17, 2010, are currently under review by the Office of the County Attorney. Proffers are provided as *Attachment 3*. As of this writing, proffers have not been approved as to legal form, and additional review and discussion is anticipated.

RECOMMENDATION & FINDINGS:

The proposal is improved, however, the modification requests are not justified as described in the Revised 1993 Zoning Ordinance as providing an innovative design, improving upon the existing regulations or otherwise exceeding the public purpose. The proposed design for the lots would provide for facades that would be virtually indistinguishable from surrounding suburban single family detached units and dissimilar to the village design supported by the VCOD. The proposed design of the lots within Landbay 1 fail to meet the VCOD criteria that would ensure the continued reinforcement of the pattern, character, and visual identity of the Village of Ashburn. Achieving the goal of meeting the VCOD requirements is possible with fewer units in this portion of the design. As the by right proposal permits 22 units, and this proposal seeks 71 units, the ideal proposal would be possible that both provides the applicant with increased density and supports the precepts of the Revised General Plan.

Findings for Denial

1. The proposal does not integrate with the existing Old Village of Ashburn as supported by the Revised General Plan in Chapter 10, Policies 3, 4, and 6 and as implemented in the Village Conservation Overlay District.
2. The zoning modifications requested are not justified in providing an innovative design, improving upon the existing regulations or otherwise exceeding the public purpose but appear to serve solely to increase the number of residential units.

SUGGESTED MOTIONS:

1. I move that the Planning Commission forward ZMAP 2005-0019, Belmont Estates, to the Board of Supervisors with a recommendation of denial, based on the Findings contained in the October 15, 2010 staff memorandum.

OR,

2. I move that the Planning Commission forward ZMAP 2005-0019, Belmont Estates, to the Board of Supervisors with a recommendation of approval subject to the Proffer Statement dated September 17, 2010 and based on the following Findings:

OR,

3. I move an alternate motion.

ATTACHMENTS: (to be provided prior to the worksession)

1. Revised Proffer Statement dated September 17, 2010.
2. Revised Statement of Justification dated September 17, 2010.
3. Revised Plat dated September 16, 2010.